UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA SOUTHERN DIVISION Criminal No. 7:09-CR-112-D-1

Civil No. 7:11-CV-125-D

LUIS HERNANDEZ-ESPINOZA)	
Petitioner,)	
v.	j	ORDER
)	ORDER
UNITED STATES OF AMERICA,)	
Respondent.	ý	

Having conducted an examination of petitioner's motion pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings and it appearing that dismissal is not warranted at this time, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 Motion to Vacate, Set Aside or Correct Sentence, within **forty (40)** days of the filing of this order.

SO ORDERED. This 21 day of June 2011.

JAMES C. DEVER III United States District Judge